

JOSEPH KOWALCZYK and ALIL PERICIC,

Case No. 08-civ-6992

Plaintiffs,

-against-

AFFIDAVIT OF SERVICE
OF SUMMONS & COMPLAINT

JOHN BARBARITE, SUE FLORA, GORDON JENKINS
and THE VILLAGE OF MONTICELLO, a municipality
of the State of New York,

Defendants.

STATE OF NEW YORK)
) ss.:
COUNTY OF SULLIVAN)

PHIL MULLEN, being duly sworn, deposes and says: that deponent is not a party to this action, is over 18 years of age and resides at 174 Dwyer Avenue, Liberty, New York.

That on August 8, 2008 at 9:00 A.M., at 2 Pleasant Street, Monticello, NY 12701, deponent served the within summons and complaint on JOHN BARBARITE, defendant therein named,

INDIVIDUAL by delivering a true copy of each to said defendants personally; deponent knew the person so served
1. ☒ to be the person described as said defendant therein.

CORPORATION a corporation, by delivering thereat a true copy of each to
2. ☐ personally, deponent knew said corporation so served to be the corporation described
in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON by delivering thereat a true copy of each to
3. ☐ a person of suitable age and discretion. Said premises is defendant's--actual place of business -- dwelling
house--usual place of abode--within the state.

AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is defendant's--actual place of business--
4. ☐ dwelling house--usual place of abode--within the state. Deponent was unable, with due diligence to find
defendant or a person of suitable age and discretion, thereat, having called there

MAILING Deponent also enclosed a copy of same in a postpaid scaled wrapper properly addressed to defendant at
USE WITH defendant's last known residence, at
3 or 4 deposited said wrapper in -- a post office -- official depository under exclusive care and custody of the
☐ United States Postal Service within New York State.

DESCRIPTION Deponent describes the individual served as follows:
USE WITH ☐ Male ☐ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.
☐ Female ☐ Black Skin ☐ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100-130 Lbs.
☐ Glasses ☐ Yellow Skin ☐ Blond Hair ☐ 36-50 Yrs. ☐ 5'4"-5'8" ☐ 131-160 Lbs.
☐ Brown Skin ☐ Gray Hair ☐ Mustache ☐ 51-65 Yrs. ☐ 5'8"-6'0" ☐ 161-200 Lbs.
☐ Red Skin ☐ Red Hair ☐ Beard ☐ Over 65Yr ☐ Over 6" ☐ Over 200 Lbs.
Other identifying features:

USE IN NYC CIVIL CT. The language required by NYCRR 2900.2(e), (f) & (h) was set forth on the face of said summons(es).
☐

MILITARY SERVICE I asked the person spoken to whether defendant was in active military service of the United States or of the State
☐ of New York in any capacity whatever and received a negative reply. Defendant wore ordinary civilian clothes and
no military uniform. The source of my information and the grounds of my belief are the conversations and
observations above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the
United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me this
22nd day of August, 2008

Tami S. Davis
Notary Public

Phil Mullen
Print name beneath signature
PHILIP E. MULLEN

TAMI S. DAVIS
Notary Public, State of New York
Sullivan County Clerk's #2071
Commission Expires June 5, 2011